

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In Re:)	
)	
AREDIA and ZOMETA PRODUCTS)	No. 3:06-MDL-01760
LIABILITY LITIGATION)	Judge Campbell/Brown
(MDL No. 1760))	
)	
This Document Relates to:)	
Case No.: 3:05-CV-00719)	

TO: The Honorable Chief Judge Todd J. Campbell

REPORT AND RECOMMENDATION

The Magistrate Judge has been provided Clara Kennedy's response to the order to show cause why her case should not be dismissed (Docket Entry 196).

Ms. Kennedy had not completed the plaintiff's fact sheet in this matter and upon being contacted by her attorney, Mr. Germany, she has advised him that she no longer desires to pursue litigation on her behalf.

In view of the Plaintiff's statement that she no longer wishes to pursue the case and does not oppose dismissal of her civil action, the Magistrate Judge recommends that her claims be dismissed without prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from receipt of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within ten (10)

days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986).

ENTERED this 4th day of December, 2006.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge